



September 13, 2019

*Via ECF*

Hon. Steven I. Locke  
United States Magistrate Judge  
United States District Court, Eastern District  
100 Federal Plaza  
Central Islip, New York 11722

**Re: Hayes v. Nassau County, et al.  
15-CV-0398(RRM)(SIL)**

Dear Magistrate Locke:

Goldberg, Segalla, LLP, Special Counsel to Nassau County, represents Defendants County of Nassau, Nassau County Police Department, Nassau County Police Officer Carl Arena, Nassau County Police Officer Peter J. Ellison, and Nassau County Police Lieutenant Vincent G. Boden, (hereinafter referred to as “County Defendants”), in connection with the above-reference matter.

This joint-letter is written in response to this Court’s order dated July 16, 2019. Over the past several weeks, both sides have worked together in hopes of avoiding protracted motion practice. In that regard, all previously withheld documents have been produced. The document production included one document with redactions, which is accompanied by a privilege log. The redaction is confined to a portion of one page entitled “Attorney Analysis in ECAB” (Early Case Assessment Bureau).

Additionally, the parties discussed the parameters of EADA Schwartz’s deposition or depositions of other Assistant District Attorney’s. The parties agree that the oral examination of EADA Schwartz or other Nassau County ADA’s be limited to factual matters underlying the arrest, which do not include opinions, recommendations, and deliberations.

Lastly, at the last conference your Honor instructed the parties to engage in settlement discussions. Thereafter, Plaintiff presented a demand to County Defendants, which is being addressed with the necessary individuals. As such, the parties accept the Court’s offer to hold a mediation conference.

Thanking the Court for its consideration, I remain

Respectfully,

\_\_\_\_\_/s/\_\_\_\_

Richard J. Femia  
Attorney for County Defendants

Cc: Plaintiff  
*Via ECF*